IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELIAS CORIZ,

Plaintiff,

v. **No. _________________________**

ESPANOLA SCHOOL BOARD,
SUPERINTENDENT ERIC V. MARTINEZ, in his Official Capacity, and PABLO LUJAN, Individually,

Defendants.

NOTICE OF REMOVAL

Defendants Eric V. Martinez and Pablo Lujan, by and through undersigned counsel state:

1. Pursuant to 28 U.S.C. §§ 1331, 1441, 1443, and 1446, Defendants Eric V. Martinez and Pablo Lujan, herein exercise their right, with the written consent of all served Defendants, to remove this action from the First Judicial District Court, County of Rio Arriba, where this case is now pending by the name and style of *Elias Coriz, Plaintiff, v. Espanola School Board, Superintendent Eric V. Martinez, in his Official Capacity, and Pablo Lujan, Individually, Defendants.* No. D-117-CV-2017-00033. Plaintiff's actions arise, in part, out of alleged violations of Plaintiff's rights pursuant to 42 U.S.C. § 1983 and the First Amendment of the United States Constitution.

2. This Court has original jurisdiction as provided in 28 U.S.C. § 1331 in that the cause arises under the Constitution and law of the United States brought pursuant to 42 U.S.C. §1983 or other applicable federal statutes. *See e.g.*, Complaint for Equitable Relief and Damages for the Violation of First Amendment Right to Freedom of Speech.

3. Further, the removing Defendants state that this Court has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over the state law claims since said claims are so related to the

federal law claims that they form part of the same case and controversy under Article III of the United States Constitution.

4. Defendant Española School Board was served on February 9, 2017. *See, Exhibit A* (Return of Summons Served to Española School Board).

5. Defendant Eric V. Martinez was served on February 9, 2017. *See, Exhibit B* (Return of Summons Served to Eric V. Martinez).

6. Defendant Pablo Lujan was served on February 9, 2017. *See, Exhibit C* (Return of Summons Served to Pablo Lujan).

7. This Notice is filed within 30 days of service or attempted service on the removing Defendants.

8. The non-removing Defendant Española School Board, consents to the removal of this action as shown by the attached consent signed by his counsel. *Exhibit D.*

9. Therefore, there is a unanimity of all Defendants consenting to this removal.

10. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal has been given to all adverse parties and an endorsed copy is filed with the Clerk of the First Judicial District Court, County of Rio Arriba, State of New Mexico.

11. Defendants also attach a copy of the www.nmcourts.gov court docket as of March 7, 2017. *See, Exhibit E*. Pursuant to D.N.M. LR-Civ. 81.1(a), a certified copy of the State Court file will be filed with the Court within twenty-eight days after filing the Notice of Removal.

12. The Complaint served on the removing parties is attached as *Exhibit F*.

WHEREFORE, the removing Defendants respectfully request this Court to remove this action from the First Judicial District Court, County of Rio Arriba, State of New Mexico to the United States District Court for the District of New Mexico.

Respectfully submitted,

NARVAEZ LAW FIRM, P.A.

/s/ Henry F. Narvaez
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of March, 2017 a true and accurate copy of the foregoing Notice of Removal was served to the following counsel via U.S. Mail, as well as an additional courtesy copy being provided by electronic mail to counsel as follows:

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/s/ Henry F. Narvaez
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